

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY
WASHINGTON BOROUGH COUNCIL MINUTES -April 17, 2018**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:00 P.M.

Roll Call: Heinrich, Higgins, Klimko, Norris, Thompson, Valle.
Absent: Noone.

Also, Present: Matthew Hall, Manager
Laurie A. Barton Borough Clerk
Leslie Parikh, Attorney

Mayor Higgins led everyone in the flag salute.

Mayor Higgins read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231’ have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.”

PROCLAMATION

Mayor Higgins presented the following proclamation to Joseph Mickey Stolte:

**PROCLAMATION HONORING THE ACHIEVEMENT OF THE RANK OF EAGLE
SCOUT BY JOSEPH MICKEY STOLTE**

WHEREAS, it is the intention of the Mayor and Council of the Borough of Washington to focus attention on noteworthy occasions and individuals; and

WHEREAS, Joseph Mickey Stolte, a member of Boy Scout Troop #54, has attained the rank of Eagle Scout, joining an elite group of young men dedicated to serving and improving the community; and

WHEREAS, for his Eagle Scout project, Joseph organized, procured materials for and managed the installation of a Veteran’s Monument at the Stewartsville Presbyterian Cemetery; and

WHEREAS, this project involved \$22,000 worth of materials and approximately 695 hours, provides a place for quiet reflection on the cemetery grounds, and will now be enjoyed by visitors for years to come; and

WHEREAS, the honor of Eagle Scout is bestowed upon approximately 5 percent of all Boy Scouts annually, making it a truly prestigious achievement; and

WHEREAS, the lessons learned and skills acquired while working toward the Eagle Scout rank help promising young men like Joseph to develop into leaders who will benefit our world for years to come; and

WHEREAS, the Mayor and Council are proud to call Joseph one of Washington Borough's own, as he exemplifies the values that make our community strong;

NOW, THEREFORE, BE IT PROCLAIMED by me, David Higgins, Mayor of the Borough of Washington, in the County of Warren, State of New Jersey, that the heartfelt appreciation of the Mayor and Council of the Borough of Washington and all its residents are hereby expressed for the public service and leadership performed by Eagle Scout Joseph Mickey Stolte.

BE IT FURTHER PROCLAIMED that this Proclamation be duly embossed, signed by the Mayor, publicly presented to Joseph Mickey Stolte on April 17th, 2018, and forever recorded in the official records of the Borough of Washington, as an everlasting tribute to Joseph Mickey Stolte by an appreciative and thankful community.

COUNCIL APPEARANCE

Gary Poherly, Wayne St., discussed the Shade Tree Committee needing more members and the Green Team and the grant that was received for tree planting in and around the borough. The group SAVE will also be contributing to help in planting the trees. The Boy Scouts are helping clean up the parking lot this evening.

Ethel Conry, Youmans Ave., spoke on behalf of the NAACP regarding their annual scholarship dinner that will be held on April 28th. Ms. Conry, mentioned that in the past the Mayor usually donates a couple of tickets to the students for a contribution. Mayor Higgins stated he will gladly contribute.

David Desanto, Cemetery Hill Rd., inquired if there were any updates to the Baker Tract. Attorney Parikh stated that things are moving forward but no agreement is in place as of yet.

Hearing no other public comment, motion made by Heinrich and seconded by Klimko to close the audience portion.

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.

Ayes: 6, Nays: 0

Motion carried.

NEW BUSINESS

ORDINANCES 1st Reading

Motion made by Heinrich to approve on first reading Ordinance 2018-10 motion seconded by Klimko. Public Hearing scheduled for May 1, 2018

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.

Ayes: 6, Nays: 0

Motion carried.

ORDINANCE 2018-10

BOND ORDINANCE PROVIDING FOR THE IMPROVEMENT OF VARIOUS ROADS IN AND BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$1,210,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,031,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$1,210,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$179,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$1,210,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,031,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$1,031,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the improvement of various roads and locations in and by the Borough, including, without limitation, Grand Avenue and North Prospect Street by the reconstruction, surfacing or resurfacing thereof to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as used or referred to in Section 40A:2-22 of said Local Bond Law), together with all curbing, structures, storm water drainage improvements, catch basins, milling, equipment, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specification therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$1,031,000.

The estimated cost of said purpose is \$1,210,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$179,000 down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,031,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$242,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters

in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law

Motion made by Heinrich to approve on first reading Ordinance 2018-11 motion seconded by Thompson. Public Hearing scheduled for May 1, 2018

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.
Ayes: 5, Nays: 0, Abstain: 2 (Higgins & Thompson)
Motion Carried

ORDINANCE 2018-11

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF A NEW FIRE PUMPER TRUCK BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, APPROPRIATING \$500,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$465,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING SUCH APPROPRIATION.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of \$500,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$35,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

For the financing of said improvement or purpose and to meet the part of said \$500,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of

\$465,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$465,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase, of new and additional firefighting equipment for use by the Volunteer Fire Company of the Borough, including one (1) fire pumper truck, together with all equipment, apparatus and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The estimated maximum amount of bonds or notes to be issued for said purpose is \$465,000.

The estimated cost of said purpose is \$500,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said \$35,000 down payment for said purpose.

The following additional matters are hereby determined, declared, recited and stated:

The said purpose described in Section 3 of this bond ordinance is not a current expense and is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is ten (10) years.

The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$465,000, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

An aggregate amount not exceeding \$25,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from

time to time at public or private sale at not less than par and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of said obligations and interest thereon without limitation of rate or amount.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

Motion made by Heinrich to approve on first reading Ordinance 2018-12 motion seconded by Klimko. Public Hearing scheduled for May 1, 2018

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.
Ayes: 6, Nays: 0
Motion carried.

ORDINANCE 2018-12

ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS BY THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AND APPROPRIATING \$111,000 THEREFORE FROM MONEYS IN THE CAPITAL IMPROVEMENT FUND OF THE BOROUGH.

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Washington, in the County of Warren, New Jersey, and there is hereby appropriated therefor the sum of \$111,000 from moneys available in the Capital Improvement Fund of the Borough.

The improvements hereby authorized and the purposes for the financing of which the appropriation is made as provided in Section 1 of this ordinance are as follows: the acquisition and installation of new computer equipment and a new street sweeper body, and the renovation, rehabilitation and upgrade of Borough Hall, together with for all the aforesaid all equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in

accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved.

The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

This ordinance shall take effect after publication after final passage as provided by law.

ORDINANCES-2nd Reading

Motion made by Heinrich and seconded by Klimko to open the public hearing for Ordinance 2018-06.

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.
Ayes: 6, Nays: 0
Motion carried.

Councilman Norris inquired about homeowner's fees and how they are determined if residents want to hook into the gas lines. Attorney representing Elizabethtown Gas stated they are working with residents and Mr. Parichuk who is assisting, which depends on how many want to hook in.

Hearing no other public comment motion made by Valle to close the public portion, motion seconded by Heinrich, all were in favor.

Motion made by Heinrich and seconded by Klimko to adopt Ordinance 2018-06.

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.
Ayes: 6, Nays: 0
Motion carried.

EXHIBIT A

**STATE OF NEW JERSEY
COUNTY OF WARREN
BOROUGH OF WASHINGTON**

ORDINANCE 2018-06

AN ORDINANCE OF THE BOROUGH OF WASHINGTON GRANTING MUNICIPAL CONSENT TO PIVOTAL UTILITY HOLDINGS, INC. d/b/a ELIZABETHTOWN GAS TO CONSTRUCT, MAINTAIN AND OPERATE GAS LINES FOR THE DISTRIBUTION OF NATURAL AND MIXED GAS.

WHEREAS, Pivotal Utility Holdings, Inc. doing business as Elizabethtown Gas, a Corporation of the State of New Jersey and a public utility subject to the jurisdiction of the New Jersey Board of Public Utilities, on January 18, 2018, filed a Petition with the Clerk of the Borough of Washington (the “Borough”) seeking renewal of the Municipal Consent to construct, operate and maintain natural and mixed gas distribution lines for public and private consumption throughout the Borough.

WHEREAS, the Washington Gas Company, a predecessor of Elizabethtown Gas was granted Municipal Consent to serve residents within the municipality and to construct, maintain, and operate a gas line for the distribution of natural and mixed gas in the Borough, pursuant to an Ordinance adopted on November 6, 1905, and that Municipal Consent expired ninety-nine years thereafter.

WHEREAS, representatives of the Petitioner appeared before the Mayor and Council to present their request for renewal of the Consent Ordinance within the Borough; and

WHEREAS, the Petitioner has provided public notice of such Petition through publication in the official newspaper of the Borough, and notices of such Petition have been posted pursuant to Statute.

WHEREAS, the Borough has determined that it is reasonable and necessary for Elizabethtown Gas, its successors and assigns, to continue to provide for construction, maintenance, and operation of a gas line for the distribution of natural and mixed gas in the entire Borough.

WHEREAS, the Borough desires to extend the municipal consent to Elizabethtown Gas under the terms set forth in this Ordinance.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Washington:

Section I. Grant of Municipal Consent.

The Borough of Washington hereby grants to Pivotal Utility Holdings, Inc. doing business as Elizabethtown Gas, a Corporation of the State of New Jersey (hereinafter "Elizabethtown") with principal offices located at 520 Green Lane, Union, New Jersey 07083, its successors and assigns, a nonexclusive consent, right and privilege for the use, without impairment of, or obstruction to the public use, of the public roads, streets, avenues, ways, and other public places of the Borough to construct, lay, maintain, and operate for a period of ten (10) years, the necessary mains, conductors, pipes and concomitant appurtenances for the purpose of conveying, storing, supplying

and distributing natural and mixed gas for heat, power, light and other purposes for public and private use and consumption, along, in, or under the following described service area: all the public roads, streets, avenues, highways, and public places within the Borough as they now exist or may be hereinafter be laid out by the municipal authorities of the Borough or dedicated to the Borough.

Section II. Conditions on Grant of Municipal Consent.

The Municipal Consent granted herein is expressly conditioned upon the following:

- (a) the written acceptance of Elizabethtown of the terms and conditions of this municipal Consent Ordinance within thirty (30) days of its final adoption.
- (b) the New Jersey Board of Public Utilities (hereinafter "N.J.B.P.U.") approval of the Consent herein granted and the issuance of such other grants or approvals as determined by the N.J.B.P.U.
- (c) Elizabethtown shall satisfy all Statutory requirements regarding the proper organization and operation of a Public Utilities engaged in the distribution of natural and mixed gas and shall remain subject to the jurisdiction of and comply with all Rules and Regulations of the United States Department of Transportation, Office of Pipeline Safety and the N.J.B.P.U. as well as the Ordinance of the Borough.
- (d) Elizabethtown shall construct and continuously maintain and operate their distribution line within the service area in a safe and efficient manner and maintain such gas distribution lines in a state of good operation and repair and including all streets, roads, and public rights-of-way within the Borough wherein its lines are located.
- (e) the construction, operation and maintenance of the gas distribution system within the rights-of-way of the Borough shall in no way place any obligation, financial or otherwise, or any liability of any kind, upon the Borough and no obligation is to attach for the construction, operation and maintenance of the said gas distribution system to the Borough.

Section III. Construction; Installation; Restoration.

- (a) Construction. In each and every case in which road openings or excavation of any nature are required or made for the purposes aforesaid, Elizabethtown shall restore, all such public and private lands or facilities to as good a condition as existed at the commencement of the said work or such better condition, at its sole cost and expense. All such openings and installation and maintenance shall be undertaken in strict compliance with the standards imposed by the N.J.B.P.U., any other regulatory agency, and all applicable Municipal Ordinances, with such work to be done in a careful, prudent and workmanlike manner, and within such time limitations as shall be best for the proper safeguard of the public.
- (b) Relocation. If at any time during the period of this Municipal consent, the Borough finds

it necessary to alter or change the grade of any street, road or other public right-of-way or area, Elizabethtown shall, upon reasonable notice by the Municipality, remove and relocate its distribution line and pipes at the expense of Elizabethtown.

- (c) Restoration. In the event that Elizabethtown shall refuse or neglect, after ten (10) days' notice in writing by the representative of the Borough, to restore any disturbed area at its cost and expense, and in compliance with all applicable Municipal Ordinances in effect at the time, to its pre-existing or better condition, any street, road, pavement, driveway or other improvements after having made an opening or excavation, the necessary work to accomplish such restoration may be done by the Borough, and thereafter, Elizabethtown shall be liable for the actual and necessary costs thereof, and shall immediately pay such costs to the Borough upon receiving notice thereof.
- (d) Preconditions to Undertaking Construction. Elizabethtown shall give to the Borough, through its duly designated representative, written notice of its intention to open or excavate any street or other public place in accordance with the Borough Ordinance regulating the excavation and opening of streets, roads and highways, with the exception that such notice requirement shall be waived in the event of an emergent circumstance such that such emergency will affect public health or safety. As soon as practically possible after the occurrence of such emergent circumstance, Elizabethtown shall give prompt written notice to the Borough of any emergency opening or excavation that Elizabethtown shall undertake.

Section IV. Indemnification, Performance Bond, Liability.

- (a) Indemnification. Elizabethtown, its successors and assigns, by the acceptance of the grants, rights and privileges conferred by this ordinance, shall at all times and does hereby and will indemnify and hold harmless, the Borough and all of its subsidiary agencies, officials and employees for any and all claims of whatsoever kind or nature arising from or relating to the construction, installation, maintenance, laying, repairing, inspecting, or altering of mains conductors, pipes and appurtenances thereto, and any other facilities, and including, but not by way of limitation, any damages, penalties, costs, attorney's fees and charges for personal injury, property damage or otherwise, based upon Elizabethtown's negligence or the negligence of its agents, servants, employees or independent contractors.
- (b) Performance Bond. Prior to the commencement or any construction or installation under this Municipal Consent, Elizabethtown shall execute and deliver to the Clerk of the Borough and subject to prior review and approval by the Borough Attorney, a Bond in the amount of \$10,000.00 guaranteeing the faithful performance of all of its obligations and undertakings under this Ordinance, which Bond shall be enlarged or renewed from time to time as the Borough may require.
- (c) Liability Insurance. Elizabethtown agrees to maintain and keep in full force and effect, at its sole expense, and at all times during the terms and duration of this Municipal Consent, sufficient liability insurance naming the Borough as an additional insured party on a primary and non-contributory basis, and insuring and indemnifying the Township against any loss by any such claim, suite, judgment, execution or as follows:

1. Elizabethtown shall carry Workman's Compensation Insurance with Statutory limits.
2. Elizabethtown shall at all times, maintain a Comprehensive General Liability Insurance Policy and Automobile Insurance Policy, each with a single limit amount of \$1,000,000.00 covering liability for any death, personal injury, property damage or other liability arising out of its construction and operation of the gas distribution systems herein and in addition, an excess liability (or "umbrella") policy in the amount of \$3,000,000.00. There shall be an annual aggregate coverage limit of no less than \$2,000,000.00.
3. Elizabethtown shall furnish to the Borough a certified copy or Certificate of Insurance of each of the Policies as set forth herein. Elizabethtown shall further furnish to the Borough a certified copy or Certificate of Insurance of each of the Policies as set forth herein for any subcontractor it may utilize prior to that subcontractor performing any work within the Borough.

Section V. Duration of Consent.

Term. The Municipal consent granted to Elizabethtown herein is for a period of ten (10) years from the effective date of this Ordinance.

Section VI. Severability.

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court or Competent jurisdiction, such Order or Judgment shall not affect or invalidate this remainder of any such article, section, subsection, paragraph or clause, and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section VII. Effective Date.

This Municipal Consent Ordinance shall become effective upon adoption and publication according to law, and only upon written acceptance of this Municipal Consent by Elizabethtown, which written consent shall be filed with the Clerk of the Municipality within thirty (30) days of the date after which Elizabethtown receives notice of the passage of this Ordinance.

RESOLUTIONS

Motion made by Heinrich and seconded by Thompson to approve Resolution 2018-51

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2018-51

RESOLUTION AUTHORIZING CANCELLATION OF THE 2009 OUTSTANDING SEWER BALANCE FOR ACCOUNT ID 871-0, 64 E. CHURCH ST

WHEREAS, conversion from third party billing to the Brough billing occurred during 2009-2010; and

WHEREAS, during this conversion some accounts were deemed inactive and new accounts created; and

WHEREAS, account 871-0 was deemed an inactive account and current billing was place on the new account; and

WHEREAS, the balance on the account 871-0 still remains open in the principal amount of \$223.90; and

WHEREAS, account 872-0 maintains current billing for this property

NOW THEREFORE, the Tax Collector of the Borough of Washington in the County of Warren authorized to cancel principal amount of \$223.90 and corresponding interest for the account 871-0.0

Motion made by Valle and seconded by Heinrich to approve Resolution 2018-52

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2018-52

A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on October 21, 2016 to Arthur Frustaci, 712 Rugby Road, Phillipsburg, NJ 08865, in the amount of \$174.06 for taxes or other municipal liens assessed for the year 2015 in the name of Orlofski, Jennifer Lynn as supposed owner, and in said assessment and sale were described as 52 West Warren Street , Block 16.01 Lot 4, which sale was evidenced by Certificate #16-00023; and

WHEREAS, I, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 4-09-18 and before the right to redeem was cut off, as provided by law, Avis Hammond claiming to have an interest in said lands, did redeem said lands claimed by Arthur Frustaci by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,216.04, which is the amount necessary to redeem Tax Sale Certificate #16-00023.

NOW THEREFORE BE IT RESOLVED, on this 17th day of April, 2018 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to Arthur

Frustaci, 712 Rugby Road, Phillipsburg, NJ 08865 in the **amount of \$1,316.04** (This amount consists of \$1,216.04 Certificate Amount redeemed + \$100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 16.01 Lot 4 from the tax office records.

Motion made by Valle and seconded by Heinrich to approve Resolution 2018-53

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.
Ayes: 6, Nays: 0
Motion carried.

RESOLUTION 2018-53
AUTHORIZING THE BOROUGH OF WASHINGTON TO BECOME A MEMBER OF THE
HOUSTON GALVESTON AREA COUNCIL COOPERATIVE PURCHASING PROGRAM
HGAC BUY, A NATIONAL COOPERATIVE CONTRACTING ENTITY

WHEREAS, The Houston-Galveston Area Council Cooperative Purchasing Program (hereinafter HGAC”) is a public agency, established through a National Purchasing Program; and

WHEREAS, the HGAC membership is available to government, education and non-profit agencies located in all 50 states at no cost; and

WHEREAS, the purpose of the HGAC is to provide substantial savings on goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Washington desires to enter into an Agreement with the HGAC to become a member; and

WHEREAS, the N.J.S.A. 52:34-62 et seq. authorizes contracting units subject to the Local Public Contracts law to make purchases for goods and services through a nationally recognized and accepted cooperative purchasing agreement; and

WHEREAS, the HGAC is recognized and accepted cooperative contracting and purchasing entity and in compliance with N.J.S.A. 52:34-6-2 et seq., develops pricing by utilizing a competitive bidding process; and

NOW, THEREFORE BE RESOLVED, by the Borough of Washington as follows:

The Borough of Washington agrees to become a member of Houston-Galveston Area Council Cooperative Purchasing Program.

Matt Hall the Manager of the Borough of Washington is hereby authorized to execute a Membership Agreement with the HGAC pursuant to N.J.S.A. 52:34-6.2 et seq.

The Borough Clerk is hereby directed to submit a copy of the adopted Resolution, along with an executed Membership Agreement, to H-GAC Cooperative Purchasing Program P.O. Box 22777, Houston TX 77227-2777.

The Resolution shall take effect immediately upon final passage according to law.

Motion made by Valle and seconded by Heinrich to approve Resolution 2018-54

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2018-54

A RESOLUTION TO VOID AND REPLACE A CHECK

WHEREAS, check # 7244 was written 3/7/18 on Washington Borough's Grant Account #8056466156 in the amount of \$1,730.00 and made payable to Dove Environmental Education 82 East Church Street Washington, NJ 07882; and

WHEREAS, the Treasurer's office was made aware that this check was issued for the incorrect amount.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey hereby authorizes the Treasurer to void and replace aforementioned check. Replacement check in the amount of \$1,080.00 should be made payable to Dove Environmental Education 83 East Church Street Washington, NJ 07882.

Motion made by Valle and seconded by Heinrich to approve Resolution 2018-55

Discussion

Councilwoman Klimko inquired about a conflict with the Manager being appointed to the board. Attorney Parikh stated a memo can be issued addressing the concern stating there are no issues.

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.

Ayes: 6, Nays: 0

Motion carried.

RESOLUTION 2018-55

RESOLUTION APPOINTING MATTHEW C. HALL AND ROSEMARIE ROSATI TO THE BOARD OF TRUSTEES OF THE WASHINGTON PUBLIC LIBRARY

WHEREAS, currently two vacancies exist on the Board of Trustees of the Washington Public Library; and

WHEREAS, § 3-73.A. of the General Ordinances of the Borough of Washington as well as **N.J.S.A. 40:54-9**. provide for a Library Board consisting of nine members, one of whom shall be the Mayor of the Borough, one the Superintendent of the Washington Borough Public Schools

or, in the event that there is no such official, the Principal with power of supervision over the local school system, and seven citizens to be appointed by the Mayor of the Borough, at least six of whom shall be residents of the Borough of Washington. One citizen member of the Library Board may be, but need not be, a nonresident of the Borough of Washington; and

WHEREAS, the current composition of the sitting Board of Trustees of the Washington Public Library consists entirely of residents of the Borough of Washington; and

WHEREAS, Matthew C. Hall does not currently reside within the Borough of Washington; and

WHEREAS, Rosemarie Rosati does currently resident within the Borough of Washington; and

WHEREAS, pursuant to **N.J.S.A. 40:54-11**. The Mayor of the Borough of Washington shall be permitted to make these appointments with the consent of the governing body of the Borough of Washington;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington that Matthew C. Hall and Rosemarie Rosati be appointed to the Board of Trustees of the Washington Public Library for a term of five (5) years respectively in accordance with **N.J.S.A. 40:54-9**.

CORRESPONDENCE

Motion made by Heinrich to receive and file the following correspondences, motion seconded by Thompson all were in favor:

Motion made by Norris to approve the firemen's application for Daniel Drennon, motion seconded by Klimko.

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.
Ayes: 4, Nays: 0, Abstain: Higgins and Thompson.
Motion Carried.

Mayor Higgins addressed the letter correspondence from Dale Parichuk and stated that this is a personnel matter and Attorney Parikh added that it will not be discussed until the employee is Rice Noticed.

VOUCHERS AND CLAIMS

Motion made by Heinrich seconded by Thompson to pay the vouchers and claims in the amount of \$270.036.03 from the current fund and \$ 105.548.44 from sewer.

Discussion

Councilwoman Klimko inquired about two positions with overtime.

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.

Ayes: 6, Nays: 0

Abstention: Thompson abstains from any
Fire and EMS bills.

Motion Carried.

RECAP

M. Hall recapped the following:

- Will check into the breakdown of overtime payments for the code enforcement officer.

COUNCIL REMARKS

Councilwoman Klimko stated the trip to the Sands casino went very well. The River Ladies trip is coming up on May 7th.

Councilwoman Valle asked about tree pick up for rubbish and added she wants to make sure downtown looks clean and ready for the upcoming festival.

Borough Clerk, Laurie Barton reminded Council to file their financial disclosure forms, deadline is April 30th.

Mayor Higgins inquired about the generator. Stan Prador from JCP&L will look into getting electricity for the score board for the Recreation.

Mayor Higgins again congratulated Joseph Stolte for the Eagle Scout designation.

Manager Hall recapped the Street Committee meeting that was held, and stated that the road ranking survey is now complete. The Engineer has the completed document and will forward to the Street Committee for review. Every road in the borough has been surveyed and is ranked from poor to good.

Manager Hall also added that the Engineer will check with the contractor concerning the realignment of the cross-walk lines.

Motion made by Heinrich and seconded by Thompson to allow the Engineer to start plans for Grand Avenue.

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.

Ayes: 6, Nays: 0
Motion Carried.

EXECUTIVE SESSION

A motion was made by Valle seconded by Klimko to approve a Resolution Authorizing Executive Session for the purpose of discussing a potential litigation matter and contract negotiations. A five-minute break will be taken.

Ayes: 7 Nays: 0
Motion Carried.

RESOLUTION
AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act; *N.J.S.A. 10:4-6 et seq.*, declares it to be the public policy of the State to insure the right of citizens to have adequate advance notice of and the right to attend meetings of public bodies at which business affecting the public is discussed or acted upon; and

WHEREAS, the Open Public Meetings Act also recognizes exceptions to the right of the public to attend portions of such meetings; and

WHEREAS, the Mayor and Council find it necessary to conduct an executive session closed to the public as permitted by the *N.J.S.A. 40:4-12*; and

WHEREAS, the Mayor and Council will reconvene in public session at the conclusion of the executive session;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey that they will conduct an executive session to discuss the following topic(s) as permitted by *N.J.S.A. 40:4-12*:

_____A matter which Federal Law, State Statute or Rule of Court requires be kept confidential or excluded from discussion in public

(Provision relied upon: _____);

_____A matter where the release of information would impair a right to receive funds from the federal government;

_____A matter whose disclosure would constitute an unwarranted invasion of individual privacy;

_____A collective bargaining agreement, or the terms and conditions thereof (Specify contract: _____);

_____ A matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed; Real Estate Acquisitions

_____ Tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection;

_____ Investigations of violations or possible violations of the law;

Pending or anticipated litigation or contract negotiation in which the public body is or may become a party; (The general nature of the litigation or contract negotiations is: _____ The public disclosure of such information at this time would have a potentially negative impact on the municipality's position in the litigation or negotiation; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.)

_____ Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his or her ethical duties as a lawyer; (The general nature of the matter is: _____)

_____ OR _____ the public disclosure of such information at this time would have a potentially negative impact on the municipality's position with respect to the matter being discussed; therefore this information will be withheld until such time as the matter is concluded or the potential for negative impact no longer exists.);

_____ Matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective or current public officer or employee of the public body, where all individual employees or appointees whose rights could be adversely affected have not requested in writing that the matter(s) be discussed at a public meeting; (The employee(s) and/or general nature of discussion is: _____ the public disclosure of such information at this time would violate the employee(s) privacy rights; therefore this information will be withheld until such time as the matter is concluded or the threat to privacy rights no longer exists.;

_____ Deliberation occurring after a public hearing that may result in the imposition of a specific civil penalty or loss of a license or permit;

BE IT FURTHER RESOLVED that the Mayor and Council hereby declare that their discussion of the subject(s) identified above may be made public at a time when the Borough Attorney advises them that the disclosure of the discussion will not detrimentally affect any right, interest or duty of the Borough or any other entity with respect to said discussion.

BE IT FURTHER RESOLVED that the Mayor and Council, for the reasons set forth above, hereby declare that the public is excluded from the portion of the meeting during which the above discussion shall take place.

Return to Regular Session

A motion was made by Valle seconded by Klimko to come out of Executive Session at 9:00 pm.

Ayes: 6; Nays: 0
Motion Carried.

Motion made by Heinrich and seconded by Valle to appoint Anthony Dirado as Tax Assessor.

ROLL CALL: Heinrich, Higgins, Klimko, Norris Thompson and Valle
Ayes: 3, Nays: 3
Motion failed.

Motion made by Heinrich and seconded by Valle to make Anthony Dirado for Tax Assessor.

ROLL CALL: Heinrich, Higgins, Klimko, Norris Thompson and Valle
Ayes: 3, Nays: 3
Motion failed.

Motion made by Heinrich to have second interview with both candidates at next meeting May 1st at 6:00 p.m. and redo a vote with full council, motion seconded by Thompsons.

ROLL CALL: Heinrich, Higgins, Klimko, Norris, Thompson and Valle.
Ayes: 6, Nays: 0
Motion carried.

ADJOURNMENT

Hearing no further business, a motion was made by Heinrich seconded by Klimko to adjourn the meeting at 9:10 pm.

Ayes: 7; Nays: 0
Motion Carried.

Mayor David Higgins

Laurie A. Barton, Borough Clerk